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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 18

PROTECTION OF MINORITIES

Mr. Bengoa, Ms. Chavez, Mr. Eide, Mr. El-Hajje, Mr. Guissé, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limon Rojas, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer: draft resolution

Strengthening the prevention and punishment of the crime of genocide

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, genocide, as a crime under international law is a crime against humanity,

Recalling that, as pointed out in the Convention, at all periods of history genocide has inflicted great losses on humanity,

Noting that this evil is continuing in our time with equal intensity, as is shown by the atrocities being committed in the former Yugoslavia and in Rwanda,

Considering that this situation highlights the deficiencies of the Convention, which, although it was ratified by the majority of the States Members of the United Nations has never been enforced effectively,

Regretting therefore that, since the international penal tribunal provided for in article VI of the Convention has never actually been set up, the Convention leaves to the accused State alone the responsibility of punishing genocide,

Bearing in mind, in addition to the work of the International Law Commission concerning the statute for an international criminal court, the recommendations made by the Special Rapporteur of the Sub-Commission, Benjamin Whitaker, in his study on the question of the prevention and punishment of the crime of genocide (E/CN.4/Sub.2/1984/40),

1. Requests the General Assembly to consider with high priority, with a view to its adoption, the draft statute for an international criminal court that has just been submitted to it by the International Law Commission aiming in particular at the punishment of genocide;

2. Requests the States Parties to the Convention on the Prevention and Punishment of the Crime of Genocide, by virtue of the faculty granted to them by article VIII of the Convention on the Prevention and Punishment of the Crime of Genocide, to encourage - or even undertake - the drafting and adoption of a control mechanism in the form of a treaty committee charged in particular with monitoring compliance of States Parties with the commitments which they undertook in accordance with article V of the Convention, through the assessment of the reports submitted by the States Parties and, on a preventive basis, to draw the attention of the High Commissioner for Human Rights to situations which may lead to genocide;

3. Recalls that, pursuant to article V of the Convention, the Contracting Parties must enact the necessary legislation to give effect to the provisions of the Convention, and, in particular, to provide effective penalties for persons guilty of genocide;

4. Decides to examine the conditions under which the Convention could be improved by including a clause concerning universal jurisdiction in order to take into account the international character of this crime and also by extending its enforcement, which has until now been limited to ethical, racial or religious genocide, to political genocide.